

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES L. SOUTHALL, JR.,

Plaintiff,

Case No. 1:09-cv-620

v

HON. JANET T. NEFF

COUNTY OF KENT,

Defendant.

OPINION

This is a civil rights action filed pursuant to 42 U.S.C. § 1983. On July 21, 2009, the Magistrate Judge filed a Report and Recommendation, recommending that the action be dismissed pursuant to 28 U.S.C. § 1915(e)(2) on grounds that the complaint fails to state a claim upon which relief may be granted. The matter is presently before the Court on Plaintiff's objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections, approves and adopts the Report and Recommendation as the opinion of the Court, and enters Judgment pursuant to FED. R. CIV. P. 58.

Plaintiff asserts that his case should not be dismissed because he needs more time to acquire a lawyer and obtain evidence (Dkt 6). Plaintiff fails to posit a specific argument for this Court's

review because he fails to identify error in the Magistrate Judge's Report and Recommendation. Plaintiff's objection is therefore denied.

For these reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Opinion and Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

A Judgment will be entered consistent with this Opinion.

Date: August 14, 2009

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge

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JUDGMENT

In accordance with the Opinion entered this date:

IT IS HEREBY ORDERED that the objections (Dkt 6) are DENIED and the Report and Recommendation (Dkt 5) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (Dkt 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Date: August 14, 2009

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge